

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ITT EDUCATIONAL SERVICES, INC., *et al.*¹) Case No. 16-07207-JMC-7A
)
Debtors.) Jointly Administered

**PROPOSED AGENDA OF MATTERS SCHEDULED
FOR OMNIBUS HEARING ON NOVEMBER 28, 2018 AT 1:30 P.M.**

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), by counsel, pursuant to the *Notice, Case Management and Administrative Procedures* (the “Case Management Procedures”) approved by the Court on October 4, 2016 [Doc 220], submits this proposed agenda for the matters scheduled for the omnibus hearing on November 28, 2018 at 1:30 p.m. (prevailing Eastern time) (the “Hearing”). The Trustee anticipates the matters before the Court for the Hearing will take approximately one (1) hour.

I. DIAL-IN INFORMATION

The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-800-920-7487; passcode 87599521#. Interested parties planning on participating in the Hearing by conference call shall notify the Court before the Hearing by contacting Heather Butler (heather_butler@insb.uscourts.gov or 317-229-3833) or Suzette Bewley (suzette_bewley@insb.uscourts.gov or 317-229-3862).

II. MATTERS SCHEDULED TO BE HEARD AT HEARING

Lead Bankruptcy Case (Case No. 16-07207)

1. *Notice of Invoice for Rubin & Levin, P.C.’s Fees and Expenses for the Period September 1, 2018 through September 30, 2018 [Doc 3015]*, filed by Rubin & Levin, P.C.

¹ The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

- **Status:** There were no objections filed by the November 12, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
2. *Notice of Invoice for Rubin & Levin, P.C.'s Fees and Expenses in Connections with the Peaks AP for the Period of September 8, 2018 through September 30, 2018* [Doc 3016], filed by Rubin & Levin, P.C.
- **Status:** There were no objections filed by the November 12, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
3. *Notice of Invoices for Faegre Baker Daniels LLP's Fees and Expenses for the Period September 1, 2018 through September 30, 2018 (To be Paid by Debtors' Estate)* [Doc 3019], filed by Faegre Baker Daniels LLP.
- **Status:** There were no objections filed by the November 21, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
4. *Notice of Invoices for Faegre Baker Daniels LLP's Fees and Expenses for the Period September 1, 2018 through September 30, 2018 (To be Paid by Debtors' Pension Plan)* [Doc 3020], filed by Faegre Baker Daniels LLP.
- **Status:** There were no objections filed by the November 21, 2018 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [Doc 1569], Faegre Baker Daniels has or will receive in the near future payment of its requested fees and expenses from the respective sources indicated in the notices. Not going forward at the Hearing.
5. *Fourth Interim Fee Application of BGBC Partners LLP for Compensation for Services Rendered and Reimbursement of Expenses Incurred as Accountants and Financial Advisors for the Trustee for the Period January 1, 2018 through September 30, 2018* [Doc 3013], filed by BGBC Partners LLP.
- **Status:** No objections filed by the November 21, 2018 objection deadline. Going forward at the Hearing.

6. Continued final hearing on *Trustee's Motion for Authority to Enter into Settlement of Student Class Action [Doc 2290]*, filed by the Trustee.
 - *Corrected Preliminary Approval Order [Doc 2354]*.
 - *Objection [Doc 2530]*, filed by Stephanie D. Pollay.
 - **Status:** Going forward at the Hearing.
7. *Trustee's Application to Employ McKool Smith, P.C. as Litigation Co-Counsel to the Trustee Regarding Certain Claims on an Hourly Fee Basis Effective Nunc Pro Tunc as of October 24, 2018 [Doc 3021]*, filed by the Trustee.
 - **Status:** No objections filed by the November 21, 2018 objection deadline. Going forward at the Hearing.
8. Continued status conference on *American Express Travel Related Services Company, Inc.'s Motion for Relief from the Automatic Stay to Effect Setoff Pursuant to 11 U.S.C. § 553(a) [Doc 1505]*, filed by American Express Travel Related Services Company, Inc.
 - *Trustee's Objection to Motion for Relief from the Automatic Stay to Effect Setoff Pursuant to 11 U.S.C. § 553(a) Filed by American Express Travel Related Services Company, Inc. [Doc 2397]*, filed by the Trustee.
 - **Status:** Going forward at the Hearing.

Caruso v. American Express Travel Related Services Company, Inc.
(Adversary No. 18-50239)

1. Continued status conference.
 - **Status:** Going forward at the Hearing.

Caruso v. Student CU Connect CUSO, LLC et al. (Adversary No. 17-50101)

1. Continued hearing on *Motion to Dismiss Complaint with Prejudice of Defendants Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union [Doc 20]* filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union and *Defendant CommunityAmerica Credit Union's Motion to Dismiss and Brief in Support [Doc 22]*, filed by CommunityAmerica Credit Union.

- *Memorandum of Law in Support of Motion to Dismiss Adversary Complaint of Defendants Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union [Doc 21]*, filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
- *Joinder by Defendants Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union to Defendant CommunityAmerica Credit Union's Motion to Dismiss and Brief in Support [Doc 24]*, filed by Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
- *Plaintiff's Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss [Doc 29]*, filed by the Trustee.
- *Defendant CommunityAmerica Credit Union's Reply Brief in Support of its Motion to Dismiss [Doc 33]*, filed by CommunityAmerica Credit Union.
- *Reply Memorandum of Defendants Student CU Connect CUSO, LLC, the Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union in Support of Their Motion to Dismiss the Adversary Complaint [Doc 34]*, filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
- *Joinder by Defendants Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union to Defendant Community America Credit Union's Reply Brief in Support of Its Motion to Dismiss [Doc 37]*, filed by Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
- **Status:** Per the Court's November 27, 2018 Order [Doc 75], this matter has been continued to January 9, 2019 at 1:30 p.m. Not going forward at the Hearing.

Caruso v. Careerco, LLC (Adversary No. 18-50117)

1. *Motion for Default Judgment [Doc 7]*, filed by the Trustee.

- **Status:** Going forward at the Hearing.

III. NOTICE

Pursuant to the Case Management Procedures, the Trustee will serve this proposed hearing agenda on the Core Group (as defined in the Case Management Procedures) and each entity who has filed and served a court filing set to be heard at the Hearing.

Respectfully submitted,

RUBIN & LEVIN, P.C.

By: /s/ Meredith R. Theisen

Meredith R. Theisen

Deborah J. Caruso (Atty. No. 4273-49)

John C. Hoard (Atty. No. 8024-49)

James E. Rossow Jr. (Atty. No. 21063-29)

Meredith R. Theisen (Atty. No. 28804-49)

RUBIN & LEVIN, P.C.

135 N. Pennsylvania Street, Suite 1400

Indianapolis, Indiana 46204

Tel: (317) 634-0300

Fax: (317) 263-9411

Email: dcaruso@rubin-levin.net

johnh@rubin-levin.net

jim@rubin-levin.net

mtheisen@rubin-levin.net

Attorneys for Deborah J. Caruso, Trustee

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2018, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on November 28, 2018 at 1:30 p.m.* was filed electronically. Pursuant to Section IV.C.3(a) of the Case Management Procedures, notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

John Joseph Allman jallman@hbkfirm.com, dadams@hbkfirm.com

Richard Allyn rallyn@robinskaplan.com

Robert N Amkraut ramkraut@foxrothschild.com

Scott S. Anders scott.anders@jordanramis.com, litparalegal@jordanramis.com
Manuel German Arreaza manuel.arreaza@cfpb.gov
Todd Allan Atkinson tatkinson@ulmer.com
Darren Azman dazman@mwe.com
Kay Dee Baird kbaird@kdlegal.com, rhobdy@kdlegal.com;crbpgpleadings@kdlegal.com
Michael I. Baird baird.michael@pbgc.gov, efile@pbgc.gov
Christopher E. Baker cbaker@hbkfirm.com, thignight@hbkfirm.com
James David Ballinger jim@kentuckytrial.com, jennifer@kentuckytrial.com
Joseph E. Bant jebant@lewisricekc.com
William J. Barrett william.barrett@bfkn.com, mark.mackowiak@bfkn.com
Ashley Flynn Bartram ashley.bartram@oag.texas.gov
Alex M Beeman alex@beemanlawoffice.com, alexbeemanECF@protonmail.com
Thomas M Beeman tom@beemanlawoffice.com
Richard James Bernard rbernard@foley.com
Thomas Berndt tberndt@robinskaplan.com, jgerboth@robinskaplan.com
John J Berry john.berry@dinsmore.com, Christina.Lee@DINSMORE.COM
Lauren Beslow lauren.beslow@quarles.com
Brandon Craig Bickle bbickle@gablelaw.com
David J. Bodle dbodle@hhclaw.com, layres@hhlaw-in.com
Robert A. Breidenbach rab@goldsteinpressman.com
Wendy D Brewer wbrewer@fmdlegal.com, cbellner@fmdlegal.com
Kayla D. Britton kayla.britton@faegrebd.com, noticeFRindy@faegrebd.com
Robert Bernard Bruner bob.bruner@nortonrosefulbright.com
Jason R Burke jburke@bbrlawpc.com, kellis@bbrlawpc.com
Kevin J. Burke kburke@cahill.com
Erin Busch ebusch@nebraska.edu
John Cannizzaro john.cannizzaro@icemiller.com, Deborah.Martin@icemiller.com
Kevin M. Capuzzi kcapuzzi@beneschlaw.com,
lmolinaro@beneschlaw.com;docket@beneschlaw.com
James E. Carlberg jcarlberg@boselaw.com,
mwakefield@boselaw.com;rmurphy@boselaw.com
Steven Dean Carpenter scarpenter1@dor.in.gov
Deborah Caruso dcaruso@rubin-levin.net, dwright@rubin-levin.net;jkrichbaum@rubin-levin.net;atty_dcaruso@bluestylus.com
Deborah J. Caruso trustecaruso@rubin-levin.net, DJC@trustesolutions.net
Joshua W. Casselman jcasselman@rubin-levin.net, angie@rubin-levin.net;atty_jcasselman@bluestylus.com
Ben T. Caughey ben.caughey@merchocaughey.com
Sonia A. Chae chaes@sec.gov
John Andrew Chanin jchanin@lindquist.com, srummery@lindquist.com
Courtney Elaine Chilcote courtney@ckhattorneys.com,
ckh@ckhattorneys.com;tracy@ckhattorneys.com
Dale C Christensen christensen@sewkis.com
Eboney Delane Cobb ecobb@pbfc.com
Michael Edward Collins mcollins@manierherod.com
Michael Anthony Collyard mcollyard@robinskaplan.com, rhoule@robinskaplan.com

Eileen Connor econnor@law.harvard.edu
Lawrence D. Coppel lcoppel@gfrlaw.com
Heather M. Crockett Heather.Crockett@atg.in.gov, darlene.greenley@atg.in.gov
J Russell Cunningham rcunningham@dnlc.net, reaster@dnlc.net
Erica Dausch edausch@babstcalland.com
David H DeCelles david.h.decelles@usdoj.gov
Melissa J. DeGroff mjd@kgrlaw.com, cjs@kgrlaw.com
Dustin R. DeNeal dustin.deneal@faegrebd.com, noticeFRindy@faegrebd.com
Laura A DuVall Laura.Duvall@usdoj.gov, Catherine.henderson@usdoj.gov
Stephen Emedi semedi@law.harvard.edu
Abby Engen aengen@nmag.gov, eheltman@nmag.gov
Annette England annette.england@btlaw.com
Charles Anthony Ercole cercole@klehr.com, acollazo@klehr.com
Carolyn Meredith Fast carolyn.fast@ag.ny.gov
Elaine Victoria Fenna elaine.fenna@morganlewis.com
Andrew W Ferich awf@chimicles.com
Scott Patrick Fisher sfisher@drewrysimmons.com, lgarrison@DSVlaw.com
John David Folds dfolds@bakerdonelson.com, sparson@bakerdonelson.com
Jennifer N Fountain jfountain@iislaw.com, sfilippini@iislaw.com
Sarah Lynn Fowler sarah.fowler@mbcblaw.com, deidre.gastenveld@mbcblaw.com
Lydia Eve French lydia.french@state.ma.us
Robert W. Fuller rfuller@rbh.com
Carlos Galliani carlos@thelidjifirm.com
Jonathan William Garlough jgarlough@foley.com, mstockl@foley.com;mdlee@foley.com
Barry S. Gold bgold@mmlawus.com
John C Goodchild john.goodchild@morganlewis.com
Douglas Gooding dgooding@choate.com
John Andrew Goodridge jagoodridge@jaglo.com, angray@jaglo.com;dwhiggs@jaglo.com
Michael Wayne Grant michael.w.grant@doj.state.or.us
Richard Grayson Grant rgrant@rgglaw.com, grantecf@gmail.com
Alan Mark Grochal agrochal@tydingslaw.com
Elizabeth N. Hahn ehahn@rubin-levin.net, mralph@rubin-levin.net
Gregory Forrest Hahn ghahn@boselaw.com, jmcneeley@boselaw.com
Julian Ari Hammond jhammond@hammondlawpc.com, ppecherskaya@hammondlawpc.com
Wallace M Handler whandler@swappc.com, kkloock@swappc.com
Adam Craig Harris adam.harris@srz.com
Brian Hauck bhauck@jenner.com
Jeffrey M. Hawkinson jhawkinson@pcslegal.com, danderson@pcslegal.com
Michael J. Hebenstreit mjh@whzlaw.com,
emw@whzlaw.com;arlene@whzlaw.com;ene@whzlaw.com
Amanda Marie Hendren amanda@indianalawgroup.com
Claude Michael Higgins Michael.Higgins@ag.ny.gov
Michael W. Hile mhile@jacobsonhile.com, assistant@jacobsonhile.com
Sean M Hirschten shirschten@psrb.com
Robert M. Hirsh robert.hirsh@arentfox.com
John C. Hoard johnh@rubin-levin.net, jkrichbaum@rubin-

levin.net;atty_jch@trustesolutions.com;sturpin@rubin-levin.net
Curt Derek Hochbein chochbein@rubin-levin.net, mralph@rubin-levin.net;lking@rubin-levin.net;atty_chochbein@bluestylus.com
Jeffrey A Hokanson jeff.hokanson@icemiller.com, Kathy.peed@icemiller.com
Steven Howard Holinstat sholinstat@proskauer.com
Diana Hooley diana.hooley@state.ma.us
Thomas Ross Hooper hooper@sewkis.com
Andrew E. Houha bkecfnotices@johnsonblumberg.com
Andrew W. Hull awhull@hooverhullturner.com, fgipson@hooverhullturner.com
James C Jacobsen jjacobsen@nmag.gov, eheltman@nmag.gov
Christine K. Jacobson cjacobson@jacobsonhile.com, assistant@jacobsonhile.com
Jay Jaffe jay.jaffe@faegrebd.com, noticeFRindy@faegrebd.com
David Januszewski djanuszewski@cahill.com
Benjamin F Johns bfj@chimicles.com, klw@chimicles.com
Russell Ray Johnson russj4478@aol.com
Kenneth C. Jones kcjones@lewisricekc.com
Anthony R. Jost tjost@rbelaw.com, baldous@rbelaw.com
David J. Jurkiewicz DJurkiewicz@boselaw.com,
mwakefield@boselaw.com;rmurphy@boselaw.com;clindsey@boselaw.com;dlingenfelter@boselaw.com
Timothy Q. Karcher tkarcher@proskauer.com
Alan Katz akatz@lockelord.com
Richard B. Kaufman richardkfmn@gmail.com
Carly Kessler ckessler@robinskaplan.com
John M. Ketcham jketcham@psrb.com, scox@psrb.com
Taejin Kim tae.kim@srz.com
Edward M King tking@fbtlaw.com, lsugg@fbtlaw.com;tking@ecf.inforuptcy.com
Roy F. Kiplinger bankruptcy@kiplingerlaw.com, bankruptcy@kiplingerlaw.com
Jackson Taylor Kirklin taylor.kirklin@usdoj.gov, denise.woody@usdoj.gov
James A. Knauer jak@kgrlaw.com, tjf@kgrlaw.com
Kevin Dale Koons kkoons@kgrlaw.com, ncarson@kgrlaw.com
Harris J. Koroglu hkoroglu@shutts.com, fsantelices@shutts.com
Lawrence Joel Kotler ljkotler@duanemorris.com
Robert R Kracht rrk@mccarthylebit.com
Andrew L. Kraemer akraemer@johnsonblumberg.com, akraemerlawoffice@att.net
David R. Krebs dkrebs@hbkfirm.com, dadams@hbkfirm.com
Jerrold Scott Kulback jkulback@archerlaw.com
Jay R LaBarge jlabarge@stroblpc.com
Darryl S Laddin bkrfilings@agg.com
Michael J. Langlois mlanglois@shouselanglois.com, rshouse@shouselanglois.com
Vilda Samuel Laurin slaurin@boselaw.com
Jordan A Lavinsky jlavinsky@hansonbridgett.com
Todd Evan Leatherman todd.leatherman@ky.gov
David S Lefere dlefer@mikameyers.com, jfortney@mikameyers.com
Anthony Darrell Lehman alehman@hpwlegal.com
Martha R. Lehman mlehman@salawus.com,

marthalehman87@gmail.com;pdidandeh@salawus.com;lengle@salawus.com
Gary H Leibowitz gleibowitz@coleschotz.com,
blansinger@coleschotz.com;pratkowiak@coleschotz.com
Donald D Levenhagen dlevenhagen@landmanbeatty.com
Elizabeth Marie Little elizabeth.little@faegrebd.com
Edward J LoBello elobello@msek.com
Melinda Hoover MacAnally Melinda.MacAnally@atg.in.gov,
Carrie.Spann@atg.in.gov;Kenyatta.Peerman@atg.in.gov
Christopher John Madaio Cmadaio@oag.state.md.us
John A. Majors jam@morganandpottinger.com, majormajors44@yahoo.com
Steven A. Malcoun dsmith@mayallaw.com
Jonathan Marshall jmarshall@choate.com
Thomas Marvin Martin tmmartin@lewisricekc.com
Jeff J. Marwil jmarwil@proskauer.com,
npetrov@proskauer.com;pyoung@proskauer.com;sholinstat@proskauer.com
Richard J Mason rmason@mcguirewoods.com
C. Ed Massey mbracken@nkylawyers.com, cedmassey@nkylawyers.com
Ann Wilkinson Matthews amatthews@ncdoj.gov
Rachel Jaffe Mauceri rachel.mauceri@morganlewis.com
Michael K. McCrory mmccrory@btlaw.com, bankruptcyindy@btlaw.com
Maureen Elin McOwen molly.mcowen@cfpb.gov
Harley K Means hkm@kgrlaw.com,
kwhigham@kgrlaw.com;cjs@kgrlaw.com;tjf@kgrlaw.com
Toby Merrill tomerrill@law.harvard.edu, ppsl@law.harvard.edu
Robert W. Miller rmiller@manierherod.com
Sherry Millman smillman@stroock.com
Jason Milstone jason.milstone@cmsenergy.com
Thomas E Mixdorf thomas.mixdorf@icemiller.com, susan.cogdill@icemiller.com
Evgeny Grigori Mogilevsky eugene@egmlegal.com, emily@egmlegal.com
James P Moloy jmoloy@boselaw.com,
dlingenfelter@boselaw.com;mwakefield@boselaw.com
Ronald J. Moore Ronald.Moore@usdoj.gov
Hal F Morris hal.morris@oag.texas.gov
Michael David Morris michael.morris@ago.mo.gov
Kevin Alonzo Morrissey kmorrissey@lewis-kappes.com, soliver@lewis-
kappes.com;leckert@lewis-kappes.com;kwilliams@lewis-kappes.com
Whitney L Mosby wmosby@bgdlegal.com, fwolfe@bgdlegal.com
C Daniel Motsinger cmotsinger@kdlegal.com,
cmotsinger@kdlegal.com;crbpgpleadings@kdlegal.com;shammersley@kdlegal.com
Lee Duck Moylan lmoylan@klehr.com, acollazo@klehr.com
Joseph L. Mulvey joseph@mulveyllc.com, linda@mulveyllc.com
Abraham Murphy murphy@abrahammurphy.com
Justin Scott Murray jmurray@atg.state.il.us
Alissa M. Nann anann@foley.com, DHeffer@foley.com
Henry Seiji Newman hsnewman@dglaw.com
Kevin M. Newman knewman@menterlaw.com, kmnbk@menterlaw.com

Cassandra A. Nielsen cnielsen@rubin-levin.net,
 atty_cnielsen@bluestylus.com,mralph@rubin-levin.net;lking@rubin-levin.net
 Ryan Charles Nixon rcnixon@lamarcalawgroup.com
 Isaac Nutovic inutovic@nutovic.com
 Michael O'Donnell mike.odonnell@nortonrosefulbright.com
 Gregory Ostendorf gostendorf@scopelitis.com, agregory@scopelitis.com
 Weston Erick Overturf wes.overturf@mbcblaw.com,
 deidre.gastenveld@mbcblaw.com;ellen.sauter@mbcblaw.com
 Pamela A. Paige ppaige@plunkettcooney.com, amiller@plunkettcooney.com
 Kenneth Pasquale kpasquale@stroock.com
 Eric Pendergraft ependergraft@slp.law, dwoodall@slp.law;bss@slp.law
 Danielle Ann Pham danielle.pham@usdoj.gov
 Jack A Raisner jar@outtengolden.com,
 kdeleon@outtengolden.com;jquinonez@outtengolden.com
 Jonathan Hjalmer Reischl jonathan.reischl@cfpb.gov
 Michael Rella mrella@mmlawus.com
 Caroline Ellona Richardson caroline@paganelligroup.com, anna@paganelligroup.com
 James Leigh Richmond James.Richmond@fldoe.org
 Mai Lan Gabrielle Rodgers Rodgers.MaiLan@pbgc.gov, efile@pbgc.gov
 John M. Rogers johnr@rubin-levin.net, jkrichbaum@rubin-levin.net;atty_rogers@bluestylus.com
 Melissa M. Root mroot@jenner.com
 David A. Rosenthal darlaw@nlci.com
 James E Rossow jim@rubin-levin.net, ATTY_JER@trustesolutions.com;robin@rubin-levin.net;lisa@rubin-levin.net
 Rene Sara Roupinian rsr@outtengolden.com,
 jxh@outtengolden.com;kdeleon@outtengolden.com;rfisher@outtengolden.com;gl@outtengolden.com;jquinonez@outtengolden.com
 Victoria Fay Roytenberg vroytenberg@law.harvard.edu, jjimenez@law.harvard.edu
 Steven Eric Runyan ser@kgrlaw.com
 Craig Damon Rust craig.rust@doj.ca.gov, Lindsay.Bensen@doj.ca.gov
 Karl T Ryan kryan@ryanesq.com, lindsey@ryanesq.com
 Joseph Michael Sanders jsanders@atg.state.il.us
 Thomas C Scherer tscherer@bgdlegal.com, fwolfe@bgdlegal.com
 James R. Schrier jrs@rtslawfirm.com, lrobison@rtslawfirm.com;jlandes@rtslawfirm.com
 Ronald James Schutz rschutz@robinskaplan.com
 H. Jeffrey Schwartz jschwartz@robinskaplan.com
 Courtney Michelle Scott cscott1@dor.in.gov
 Joseph E Shickich jshickich@foxrothschild.com, vmagda@foxrothschild.com
 Randall R Shouse rshouse@shouselanglois.com, mlanglois@shouselanglois.com
 William E Smith wsmith@k-glaw.com, clipke@k-glaw.com
 Lauren C. Sorrell lsorrell@kdlegal.com, ayeskie@kdlegal.com;swaddell@kdlegal.com
 Berry Dan Spears berrydspears616@gmail.com
 Catherine L. Steege csteege@jenner.com, mhinds@jenner.com;thooker@jenner.com
 LaChelle D Stepp lstepp@steppjaffe.com, lastepp@yahoo.com
 Jason V Stitt jstitt@kmklaw.com

Sharon Stolte sstolte@sandbergphoenix.com
 Jesse Ellsworth Summers esummers@burr.com, sguest@burr.com
 Jonathan David Sundheimer jsundheimer@btlaw.com
 Nathan L Swehla nswehla@graydon.law
 Nancy K. Swift nswift@buchalter.com, cbohnsack@buchalter.com
 Andrew W.J. Tarr atarr@robinsonbradshaw.com
 Eric Jay Taube eric.taube@wallerlaw.com,
 annmarie.jezisek@wallerlaw.com;sherri.savala@wallerlaw.com
 Meredith R. Theisen mtheisen@rubin-levin.net, dwright@rubin-levin.net;mcruser@rubin-levin.net
 Meredith R. Theisen mtheisen@rubin-levin.net,
 atty_mtheisen@bluestylus.com;mralf@rubin-levin.net
 Jessica L Titler jt@chimicles.com
 Todd Christian Toral todd.toral@dlapiper.com, todd-toral-9280@ecf.pacerpro.com
 Ronald M. Tucker rtucker@simon.com, cmartin@simon.com,bankruptcy@simon.com
 Christopher Turner christopher.turner@lw.com, DCItiserv@lw.com
 U.S. Trustee ustpregion10.in.ecf@usdoj.gov
 Michael Ungar MUngar@mwe.com
 Lauren Valkenaar lauren.valkenaar@nortonrosefulbright.com
 Sally E Veghte sveghte@klehr.com, acollazo@klehr.com
 Rachel Claire Verbeke rverbeke@stroblpc.com
 Aimee Vidaurri aimee.vidaurri@nortonrosefulbright.com
 Amy L VonDielingen avondielingen@woodmclaw.com
 Amy E Vulpio vulpioa@whiteandwilliams.com
 Carolyn Graff Wade Carolyn.G.Wade@doj.state.or.us
 Louis Hanner Watson louis@watsonnorris.com
 Jeffrey R. Waxman jwaxman@morrisjames.com,
 jdawson@morrisjames.com;wweller@morrisjames.com
 Christine M.H. Wellons christine.wellons@maryland.gov
 Philip A. Whistler philip.whistler@icemiller.com, marti.westerfield@icemiller.com
 Bradley Winston bwinston@winstonlaw.com, lwheaton@winstonlaw.com
 Brandon Michael Wise bwise@prwlegal.com
 Cathleen Dianne Wyatt cwyatt@fbtlaw.com, tacton@fbtlaw.com
 Joseph Yar jyar@nmag.gov, eheltman@nmag.gov;lgandomenico@nmag.gov
 James T Young james@rubin-levin.net, lking@rubin-levin.net;atty_young@bluestylus.com;mralf@rubin-levin.net
 James E. Zoccola jzoccola@lewis-kappes.com

I further certify that on November 27, 2018, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on November 28, 2018 at 1:30 p.m.* was emailed to the following:

Arlington ISD/Richardson ISD: Eboney Cobb at ecobb@pbfc.com
 CEC Red Run, LLC: Alan M. Grochal at agrochal@tydingslaw.com
 SWRE Deal V Building, LLC: Paul Weiser at pweiser@buchalter.com
 Tarrant County/Dallas County: Elizabeth Weller at dallas.bankruptcy@publicans.com
 Northwest Natural Gas Company: Ashlee Minty at Ashlee.Minty@nwnatural.com

Solar Drive Business, LLC: Chris W. Halling at challing@hallingmeza.com
Market-Turk Company: Jordan A. Lavinsky at jlavinsky@hansonbridgett.com
Taxing Authority for Harris County, Texas: John P. Dillman at houston_bankruptcy@lgbs.com
Texas Comptroller of Public Accounts: Rachel Obaldo at rachel.obaldo@oag.texas.gov
Clear Creek Independent School District: Carl O. Sandin at csandin@pbfc.com
Synchrony Bank: Recovery Management Systems Corporation at claims@recoverycorp.com
Bexar County: Don Stecker at sanantonio.bankruptcy@publicans.com
SWRE Deal V Building, LLC: Nancy K. Swift at nswift@buchalter.com
TN Dept. of Revenue: Michael Willey at michael.willey@ag.tn.gov
Florida Department of Education: Benman D. Szeto at benman.szeto@fldoe.org
Last Second Media, Inc.: T. Todd Eglund at teglund@beldenblaine.com
Hung Duong: Kevin Schwin at kevin@schwinlaw.com
Travis County: Kay D. Brock at kay.brock@traviscountytexas.gov
Able Building Maintenance: Scott D. Fink at bronationalecf@weltman.com
Marathon Ventures, LLC: Daniel M. Karger at kargerlaw@gmail.com
Oklahoma County Treasurer: Tammy Jones at tammy.jones@oklahomacounty.org
JM Partners LLC: John Marshall at jmarshall@jmpartnersllc.com

/s/ Meredith R. Theisen

Meredith R. Theisen

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